

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

CODY JOSEPH VERNON FLESCH,

Plaintiff,

vs.

LIEUTENANT METZGER,  
LIEUTENANT BAILEY, SEARGENT  
GOODYEAR, COMMANDER  
VALDEZ, YELLOWSTONE  
COUNTY,

Defendants.

CV 22-90-BLG-SPW-KLD

ORDER

Plaintiff Cody Joseph Vernon Flesch is a prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On September 7, 2022, the Court directed Defendants to respond to Mr. Flesch's complaint. (Doc. 8.) The Defendants waived service on September 20, 2022. (Doc. 10.) Accordingly, the answer or responsive pleading was due within 60 days of the Court's Order of September 7, 2022. (Doc. 8 at 2) On November 7, 2022, counsel filed answers on the Defendants' behalf. (Docs. 12-16.)

On November 10, 2022, Mr. Flesch filed two motions for entry of default judgment. (Docs. 17 & 18.) The motions are moot and without merit because

Defendants were in compliance with this Court's order and not in default at the time Mr. Flesch filed his motions.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motions for entry of default judgment (Docs. 17 & 18) are DENIED.

DATED this 10<sup>th</sup> day of November, 2022.

/s/ Kathleen L. DeSoto  
Kathleen L. DeSoto  
United States Magistrate Judge